City of Riverside
Temporary Outdoor Flex-Space Permit Program

Guidelines and Procedures

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Contents

1. Program Overview 1
2. Cost and Expiration 1
3. Program Categories 1
4. Requirements for all Businesses 3
5. Requirements for Businesses on Public Land 7
6. Other City of Riverside Requirements 8
7. County Health Department Requirements 8
8. State of California Requirements 8
9. Removal of Outdoor Operations 9

1. Program Overview

In accordance with the State's Blueprint for a Safer Economy (https://covid19.ca.gov/safer-economy/ and https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-September_2020.pdf), the City of Riverside has developed a program to allow outdoor flex-space for businesses located within the City on both private and public land.

All businesses **MUST** adhere to public safety and physical distancing requirements established by the Federal, State and County. This program only applies to businesses identified by the State of California as "lower risk workplaces" as identified on the State's Resilience Roadmap.

To promote public safety, the following shall be applicable to all outdoor flex-spaces that anticipate utilizing the Temporary Outdoor Flex-Space Permit. All outdoor flex-spaces- that use the Temporary Outdoor Flex-Space Permit Program must follow the guidance in the COVID-19 Industry Guidance found here: https://covid19.ca.gov/industry-guidance/ for the specific business. State, County, and local guidance is subject to change and all businesses are required to ensure that the latest guidelines are being adhered to as they continue to operate.

2. Cost and Expiration

A. There is no initial cost for the initial Temporary Outdoor Flex-Space Permit.

B. Temporary Outdoor Flex-Space Permits in City Parks will be issued for 4 weeks and are renewable.

C. All other Temporary Outdoor Flex-Space Permits shall expire ninety (90) days from issuance or until the end of the Emergency Declaration, whichever is greater.

D. Temporary Outdoor Flex-Space Permits may be extended up to ninety (90) with an extension application submitted per the requirements above or until the end of the Emergency Declaration.

3. Program Categories

The City of Riverside's Temporary Outdoor Flex-Space Permit Program has been established to ensure businesses have the greatest ability to operate successfully through the State's Resilience Roadmap. The following Temporary Outdoor Flex-Space Permit categories have been identified:

A. Category 1 (Self-Certification) - Outdoor Uses Completely on Private Property with Less than 50 patrons

On private property, businesses may operate outdoors on areas where vehicular activity does not normally occur, such as private walkways/plazas/patios, or, on private parking spaces, with owner consent, when the parking is located on the same parcel.

Businesses must ensure that outdoor operations do not impede or eliminate any exiting from buildings or fire access required on site. Proposed outdoor operations on private property shall provide an accessible route to the outdoor operations and provide accessible accommodations as required by law.

A self-certification must be provided to the City with a complete application, photos, site plan or map clearly depicting the outdoor operations and business tax certificate in accordance with the Category 1 Self-Certification Checklist.

How can you get started immediately?

Self-Certified Approval – Upon receipt of the complete application, the business may begin outdoor operations. The City reserves the right to audit the submission of any application to ensure compliance as required to maintain health, safety, and accessibility.

B. Category 2 (Self-Certification) - Outdoor Uses Completely on Private Property with 50 or more patrons

Category 2 is the same as Category 1 but serves 50 or more patrons. Additional review is required by the City. A self-certification must be provided to the City with a complete application, photos, site plan or map clearly depicting the outdoor operations and business tax certificate in accordance with the Category 2 Self-Certification Checklist

How can you get started immediately?

Provisional Approval - Upon receipt of the complete application, the business may begin outdoor operations. The City will audit the submission of any application to ensure compliance as required to maintain health, safety, and accessibility.

C. Category 3 (Self-Certification) – Outdoor Operations on Public Sidewalk/Plazas and Parking Lots

Businesses with access to sidewalks/plazas including, but not limited to the Main Street Pedestrian Mall may be established with City or property owner consent. The proposed use of the sidewalk/plazas and parking lots shall maintain ADA pedestrian paths and assess impacts to metered parking stalls, if applicable.

How can you get started immediately?

Provisional Approval - Upon receipt of the complete application, the business may begin outdoor operations. The City shall retroactively review Category 3 applications to ensure compliance with these guidelines and procedures as required to maintain health, safety, and accessibility.

D. Category 4 – (City Review Required) Outdoor operations on City Roadways, Alleyways and Rights-of-Way

Outdoor operations may expand operating space in designated portions of the public rights-of-way. These include City roadways, alleyways and rights-of-way having a posted speed limit of 35 miles-per-hour (mph) or lower. The proposed use of the public right-of-way shall maintain ADA pedestrian paths, review impacted utilities, and assess impacts to metered parking stalls, bike lanes, bus stops, travel lanes, and other roadway amenities.

For use of parking spaces within the right-of-way, without a full road closure, the City's Temporary Parklet Program shall apply.

How can you get started?

City Approval Required - A determination for approval/denial or the need for modifications will be made within 14 business days from the date of complete application submittal.

E. Category 5 – (City Review Required) Outdoor operations in City Parks

Outdoor operations may expand operating space in City Parks following staff review and approval. Only businesses with a physical address in the City of Riverside are eligible for this Category. A Facility Rental Application and Safe Reopening Plan are needed as part of the application to use City Parks. The proposed use of the Parks shall maintain ADA pedestrian access and Fire Department access to ensure public health and safety.

How can you get started?

City Approval Required - A determination for approval/denial or the need for modifications will be made within 14 business days from the date of complete application submittal.

4. Requirements for all Businesses

A. Operations

(1) For all outdoor operations as approved by this Program, the hours of operation shall include:

a. Thursday through Saturday – close at 12:00AM.

b. Sunday through Wednesday – close at 11:00PM.

(2) Gatherings, Live Performances and Entertainment

a. All guidance on gatherings. live performances and entertainment shall follow the State's Blueprint for a Safer Economy, as regularly updated: https://covid19.ca.gov/safer-economy/.

b. Outdoor operations that include amplified music or live entertainment shall be consistent with Title 7- Noise.

i Thursday through Saturday – close at 12:00AM.

ii Sunday through Wednesday – close at 11:00PM.

B. ADA Compliance

(1) All minimum disabled access standards in accordance with state law and the Americans with Disability Acts (ADA) must be met.

(2) A clearly marked, unobstructed, and durable pedestrian path, that meets required accessibility standards, of no less than four (4) feet, shall be maintained for each sidewalk operation and shall adhere to the following standards:

a. The path can be taped, cordoned, or signed to clearly show the path.

b. The minimum distance of the pedestrian path shall be measured from the outdoor operation at the portion of the sidewalk which is nearest either the nearest curb or the nearest obstruction.

(3) The Temporary Outdoor Flex Space shall maintain a minimum 44-inch aisle width and provide 5% accessible seating for each type of seating.

C. Fire Requirements

(1) All fire access and exit discharge to the public way shall always be maintained, including, but not limited to Fire Department connections and control valves, fire extinguishers, fire sprinkler risers, hydrants and fire lanes.

(2) Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by fixtures, barriers, or seating.

(3) A minimum of one (1) 2A10BC fire extinguisher shall be placed in the Temporary Outdoor Flex-Space.

(4) A minimum, twenty (20) feet clear, and unobstructed fire lane shall always be maintained.

(5) There shall be a minimum of forty (40) inches in distance separating the edge of the outdoor operations to a fire department connection.

D. Improvement Restrictions in the Public Right-of-Way and City Parks

(1) No improvements may be permanently affixed to any public rights-of-way or City Parks.

(2) No physical modification of the right-of-way or City Parks shall occur.

(3) Any physical damage to public property will be the responsibility of the applicant. The City reserves

the right to subrogate and recover any costs incurred by the City to repair or replace damaged property.

E. Occupant Load

(1) Parks – whichever is less:

a. Up to 50% of any Park parking spaces may be used for the outdoor operations with occupancy being determined by assuming 3 people per car that occupy each parking space; or

b. Up to 100% of the indoor public/assembly/common use occupant load of the business may be accommodated in City Parks when approved by the City provided all other state or local requirements are met in accordance with these guidelines and procedures

(2) For all other businesses:

a. Up to 100% of the combined indoor occupant load may be accommodated inside and outside when approved by the Building Official and Fire Marshal.

b. Any approved outdoor occupant load must demonstrate compliance with adopted state or local codes and standards, along with the requirements of these guidelines and procedures.

c. The indoor occupant load may include any load within a building or tenant space combined with any previously permitted outdoor dining areas on site, as determined by the City.

F. Pedestrian Circulation Requirements

(1) Separation

a. Adequate pedestrian separation of at least 6 (six) feet shall be maintained.

b. If 6 (six) feet is not achievable, shielding, or other alternative safety measure be placed to separate patrons and pedestrians.

(2) No fixtures, tables, chairs, umbrellas, or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut.

(3) Outdoor operations shall maintain unobstructed access to public utilities, building entrances and exits, crosswalks, bus stops and transit entrances to maintain pedestrian and traffic safety.

G. Width of Outdoor Operations

(1) Operations shall not exceed the width of any sidewalk frontage of the applying property.

(2) Applicants may coordinate with adjacent property owners/tenants to extend their outdoor operations to the adjacent property building and sidewalk frontage.

(3) If a Joint Application is submitted to extend the outdoor operations beyond a building or sidewalk frontage, the maximum outdoor occupancy limits as required by this policy cannot be exceeded.

H. Signage

(1) For all outdoor operations, any signage within the public right-of-way cannot contain advertising, branding, and the like.

(2) In City Parks, temporary signs are allowed during the duration of the activity and must be removed immediately following the permitted use.

(3) If the business serves alcohol, signage shall be placed on the premises informing customers that, with proper State of California Alcohol Beverage Control permits:

a. Any alcohol purchased for consumption in the outdoor flex-space, must be consumed within the designated and barriered area.

b. Any alcohol purchased to go, must be taken from the premises in a closed container.

I. Lighting

(1) Appropriate lighting of the outdoor operations is required if operating at night.

(2) When visible from the adjacent roadway, lighting shall be steady-state, and not 'blink' or 'flash'.

(3) All lights in City Parks must have a self-contained power source and shall obtain the pre-requisite permits.

(4) Lighting shall be oriented away from sensitive receptors including, but not limited to, adjacent residential uses, streets, parking lots and/or public right-of-week.

J. Tents and Membrane Structures

(1) All tent and membrane structures shall be open on a minimum to ensure proper air flow; enclosed tents are prohibited.

(2) All tent and membrane structures shall obtain pre-requisite permits as required by the City Fire Department (951-826-5737).

(https://riversideca.gov/fire/sites/riversideca.gov.fire/files/fire/pdf/2020/resources-forms/F11002.pdf)

K. Heaters

(1) The following shall apply to all gas or propane heaters:

a. Gas and propane heaters are PROHIBITED within any tent or membrane structure.

b. The use of gas or propane heaters in any outdoor operation not located within a tent or membrane structure shall be in accordance with their listing and the adopted fire and building codes. Please contact the City Fire Department for requirements.

(2) The following shall apply to all electric heaters:

a. Electric heaters may be permitted within tent or membrane structures provided:

i Their installation is in accordance with the adopted fire and building codes, including the manufacturers listing and its recommendations; and

ii The business must submit the manufacturer specifications (e.g. listed for outdoor use, distances noted and followed relating to tables/chairs/fabric, etc.) to the Fire Department for approval.

b. Electric heaters shall be listed and labeled by UL or other NRTL listing with over-temperature protection, and maintain clearances as required by the manufacturer but in no case less than 3 feet from any person or combustible material; and

c. The power supply for electric heaters shall utilize a single listed outdoor extension cord rated for the amperage and include GFCI protection or be provided with temporary power supply approved by the Building Official.

L. Food Preparation

(1) Unless fully contained in a Special Purpose Commercial Modular/Mobile Food Facility (SPCM/MFF), no cooking or open flames are permitted.

(2) Unless fully contained in a Special Purpose Commercial Modular/Mobile Food Facility (SPCM/MFF),

no food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed.

M. Umbrellas

(1) Umbrellas shall be secured, fire-retardant, pressure-treated and/or manufactured of fire-resistant material.

(2) No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.

N. Raised Elements

(1) Any raised element shall not obstruct visibility of an existing roadway sign or traffic signal.

(2) Raised elements of outdoor operations shall not obstruct sight distance at intersections and driveways

(3) The business shall be responsible for removal of trash and clean-up in all cases.

O. Solid and Liquid Waste Disposal

(1) The business shall ensure that solid and liquid waste are disposed appropriately with solids going in waste bins and wastewater discharged to the sewer, such as through a sink or toilet.

(2) Releases of waste to the environment, such as to the gutter or storm drain, are strictly prohibited.

(3) All treatments and services requiring the disposal of solid and liquid waste (e.g. hair salons, nail parlors, etc.) shall place a nonporous surface material beneath the service area and disposal route to facilitate cleanup.

(4) Approval of the means and methods of discharging solid and liquid waste by the City of Riverside does not relieve the operator of the establishment from conforming to the Federal, State, County, and City's Heath standards.

(5) The City reserves the rights to request the operator/owner of the establishment to make changes or relinquish the current use if deemed necessary.

P. Special Purpose Commercial Modular/Mobile Food Facility (SPCM/MFF)

(1) Location

a. Any SPCM/MFF must be fully contained within the outdoor operations flex permit area.

b. SPCM/MFF shall not:

i Impede safe and accessible pedestrian pathways.
ii Impede vehicular traffic movement.
iii Be located on landscape areas or impacting existing trees in the public ROW.
iv Be anchored in concrete in the public ROW.

(2) Allowable Power Sources

a. No power strips shall be used to power the SPCM/MFF at any time.

b. Temporary Generators

i If under 10 KW, a Special Events Fire Permit is required from the Fire Department.
ii If over 10 KW, a permit is required from Fire Department and Building & Safety.

c. Other Sources

i Self-contained power sources within the SPCM/MFF.

ii If no self-contained power source is available, connections to existing electrical service may be considered and requires Riverside Public Utilities and Building & Safety Approval:

(a) Approval will consider duration of operations, location, availability of amperage and voltage class; and

(b) All costs to provide a separately derived temporary power service solution shall be the sole responsibility of the applicant.

(3) Waste disposal

i Wastewater

(a) Wastewater should be captured or diverted to a sewer drain.

(b) Applicants may not dispose of wastewater onto the ground or via a storm drain.

ii Solid waste

(a) Solid waste should be removed daily and disposed through their approved bin or waste container.

(b) Applicants are responsible with changing trash bags and avoiding spills.

(4) Fire Access

a. SPCM/MFF shall not block or impede:

i Access to Fire Department connections and control valves, fire extinguishers, fire sprinkler risers, hydrants, and fire lanes;

ii Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by fixtures, barriers, or seating; and

iii Access to fire lanes.

b. A minimum of one (1) 2A10BC fire extinguisher shall be placed in SPCM/MFF.

c. A minimum, clear, and unobstructed twenty (20) feet fire lane shall always be maintained.

(5) Cleaning Requirements

a. The applicant is responsible for cleaning in and around the SPCM/MFF.

b. Outdoor areas used by the establishment shall be cleaned with soap and water daily.

c. Per the FDA guidelines, establishments shall frequently disinfect surfaces repeatedly touched by employees and customers such as doorknobs, equipment handles, check-out counters, etc.

Q. Additional Requirements for Outdoor Operations in City Parks

(1) The applicant shall complete and submit a Facility Rental Application for the outdoor operation.

(2) The applicant shall prepare and submit a Safe Reopening Plan, per the Department of Parks, Recreation and Community Services template, to ensure all State and County guidance is followed.

(3) Any amplified music and sound used to facilitate the activity may not exceed the requirements of Title 7 of the Riverside Municipal Code.

5. Requirements for Businesses on Public Land

A. Insurance Requirements

(1) For any outdoor operation on publicly owned lands, each establishment must provide a General Liability Insurance Certificate providing evidence of general liability insurance coverage in the

minimum amount of $1,000,000 combined single limit, $2,000,000 aggregate AND an additional insured endorsement naming the City of Riverside, its officers, employees and agents' as additional insured.

(2) The applicant will also be required to provide a waiver of subrogation in favor of the City of Riverside.

(3) $1,000,000 Liquor Liability if the event is selling alcohol. $1,000,000 Liquor Host if the event is distributing alcohol at no charge.

(4) The General Liability Insurance Certificate must be submitted with the application for the Temporary Outdoor Flex-Space Permit.

B. Barriers

(1) Removable barriers should define the outdoor operations.

(2) Use of landscaping and planters is permissible.

C. The business shall be responsible for removal of all portable fixtures, tables, chairs, etc. each evening at closing.

D. All Category 4 applications, in addition to all applications necessitating traffic control or pedestrian detours within the public right of way, may be required to comply with criteria generally reserved for Encroachment Permits and/or Street Opening Permits as deemed appropriate by the Public Works Department, including but not limited to: performance of work by a CA Contractor holding an appropriate and valid license and submittal of traffic control plans.

E. All Category 5 outdoor operations shall comply with the posted hours of operation in the applicable City Park.

6. Other City of Riverside Requirements

Separate building permits are required for any onsite infrastructure to include electrical, mechanical, or plumbing in support of the outdoor operation.

7. County Health Department Requirements

A. All businesses shall meet applicable County Health Department requirements.

B. For any Special Purpose Commercial Modular/Mobile Food Facility (SPCM/MFF), County Environmental Health Department Plan Check is required.

(1) Plans and supporting documentation must be submitted to County Environmental Health Department for review and approval.

(2) A separate County Health Department permit is required to ensure safe food handling within any Mobile Food Facility.

8. State of California Requirements

A. Any State of California requirements shall be met.

B. Alcohol Beverage Control

(1) Establishments licensed by the State of California Alcohol Beverage Control will be permitted to sell and allow on-premise consumption of alcoholic beverages where permitted.

(2) The proper COVID-19 Temporary Catering Authorization is required from the State of California Alcohol

Beverage Control to sell alcohol beverages at the Temporary Outdoor Flex-Space area.

The Covid-19 Temporary Catering Authorization Application can be found at: https://www.abc.ca.gov/

(3) Establishments that serve alcoholic beverages in the Temporary Outdoor Flex Space shall provide a physical barrier that meets the requirements of the Alcoholic Beverage Control Board.

(4) The Applicant is responsible for managing these barriers and removing them when necessary.

(5) Dine-in restaurants not currently permitted to sell alcohol will not be affected by this requirement.

C. All requirements of the Board of Barbering and Cosmetology shall be met.

D. All requirements of the State Department of Housing & Community Development (HCD) for any Special Purpose Commercial Modular/Mobile Food Facility (SPCM/MFF) shall be satisfied and written approvals obtained:

(1) Plans and supporting documentation must be submitted to HCD for any SPCM/MFF as defined by state law to ensure safe food facility construction and certification in accordance with California Code of Regulations Title 24 and Title 25 requirements

(2) Proof of registration and/or licensure as a motor vehicle or trailer is required from the Department of Motor Vehicles.

9. Removal of Outdoor Operations

A. The City reserves the right to remove any outdoor operations that:

(1) Creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety, or general welfare of the public; or

(2) A business violates the requirements of the Temporary Outdoor Flex-Space Permits Program or Federal, State and Local orders.

B. Violation of Requirements

(1) For any violation of this Program, a first, verbal warning will be given to the owner and/or manager of the outdoor operations.

(2) If the violation continues, no matter the timeframe, a second warning will be given in writing to the owner and/or manager of the outdoor operations.

(3) If the violation continues following the written warning, no matter the timeframe or the Category, the outdoor operations Permit will be rescinded, and the outdoor operations and/or any use of the City's right of way (if applicable) must cease.

C. The City may require the removal, temporary or permanent, of any outdoor operation when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances.

D. Any costs incurred by the City for removal or storage of outdoor operations equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.